

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
August 17, 2016**

**PRESENT:** Mary Jo Capodice, D.O.; Michael Carton; Rodney Erickson, M.D.; Bradley Kudick; Lee Ann Lau, M.D.; Suresh Misra, M.D.; Carolyn Ogland Vukich, M.D. (*via GoToMeeting*); Michael Phillips, M.D. (*via GoToMeeting*); Kenneth Simons, M.D.; Timothy Westlake, M.D.; Robert Zondag

**EXCUSED:** David Roelke, M.D.; Russell Yale, M.D.

**STAFF:** Tom Ryan, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Suresh Misra moved, seconded by Robert Zondag, to adopt the agenda as published. Motion carried unanimously.

**MINUTES OF JULY 20, 2016 – REVIEW AND APPROVAL**

**Amendments to the Minutes:**

- *Correct attendance of Dr. Simons*

**MOTION:** Robert Zondag moved, seconded by Lee Ann Lau, to approve the minutes of July 20, 2016 as amended. Motion carried unanimously.

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**Med 13 Relating to Continuing Medical Education for Prescribing Opioids**

*Review of Draft Rule Language*

**MOTION:** Lee Ann Lau moved, seconded by Mary Jo Capodice, to rewrite Med 13.03(3) to read that all licensees would be required to complete an approved two hour course in the Board's guidelines related to the best practices of prescribing opioids from course approval date through the calendar year of 2017 and again in 2019. Motion carried unanimously.

**Review of Draft Rule Language for Med 1 and 14 Relating to General Update and Cleanup of Rules**

**MOTION:** Suresh Misra moved, seconded by Lee Ann Lau, to approve the preliminary rule draft of chs. Med 1 and 14 relating to general update and cleanup of rules for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**CONTINUING EDUCATION AUDIT REPORT**

**MOTION:** Timothy Westlake moved, seconded by Mary Jo Capodice, to refer all audited non-compliant license holders to DLSC for further review and action. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Timothy Westlake moved, seconded by Suresh Misra, to convene to Closed Session to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mary Jo Capodice – yes; Michael Carton – yes; Rodney Erickson – yes; Bradley Kudick – yes; Lee Ann Lau – yes; Suresh Misra – yes; Carolyn Ogland Vukich – yes; Michael Phillips – yes; Kenneth Simons – yes; Timothy Westlake – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:02 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Mary Jo Capodice moved, seconded by Suresh Misra, to reconvene in Open Session at 11:25 a.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Suresh Misra moved, seconded by Mary Jo Capodice, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

### **REQUEST FOR WAIVER OF 24 MONTH OF ACGME/AOA APPROVED POST GRADUATE TRAINING**

#### **Sakthivel Rajan Rajaram Manoharan**

**MOTION:** Michael Phillips moved, seconded by Timothy Westlake, to grant a waiver of the 24 months of ACGME/AOA approved post graduate training to Sakthivel Rajan Rajaram Manoharan, per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

**MOTION:** Rodney Erickson moved, seconded by Lee Ann Lau, to grant the license to practice medicine and surgery to Sakthivel Rajan Rajaram Manoharan, once all requirements are met. Motion carried unanimously.

#### **Raphael Sacho**

*(Kenneth Simons recused himself and left the room for discussion and voting in the matter of Raphael Sacho.)*

**MOTION:** Mary Jo Capodice moved, seconded by Suresh Misra, to grant a waiver of the 24 months of ACGME/AOA approved post graduate training to Raphael Sacho, per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

**MOTION:** Lee Ann Lau moved, seconded by Rodney Erickson, to grant the license to practice medicine and surgery to Raphael Sacho, once all requirements are met. Motion carried unanimously.

### **VOLUNTARY SURRENDER REQUEST**

#### **Kendall Capecci, M.D.**

**MOTION:** Timothy Westlake moved, seconded by Lee Ann Lau, to approve the request of Kendall Capecci, M.D., to surrender his license. Motion carried unanimously.

### **DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

#### **Complaints**

##### *15 MED 117*

**MOTION:** Timothy Westlake moved, seconded by Michael Carton, to find probable cause to believe that Craig D. Maskil, M.D. DLSC Case No. 15 MED 117 has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat § 448.02(3)(b). Motion carried unanimously.

*(Mary Jo Capodice recused herself and left the room for deliberation and voting in the matter of disciplinary proceedings against Craig D. Maskil, DLSC Case No. 15 MED 117.)*

##### *15 MED 341*

**MOTION:** Suresh Misra moved, seconded by Rodney Erickson, to find probable cause to believe that Paulina A. Kitcher, M.D. DLSC Case No. 15 MED 341 has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat § 448.02(3)(b). Motion carried unanimously.

#### **Administrative Warning**

##### *16 MED 088*

**MOTION:** Robert Zondag moved, seconded by Timothy Westlake, to issue an Administrative Warning in the matter of DLSC Case No. 16 MED 088 against T.L.H. Motion carried unanimously.

#### **Proposed Stipulations, Final Decisions and Orders**

##### *12 MED 289 – Levi Leong*

**MOTION:** Michael Carton moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Levi Leong, DLSC Case No. 12 MED 289. Motion carried unanimously.

##### *15 MED 081 – Amy Bernards*

**MOTION:** Robert Zondag moved, seconded by Mary Jo Capodice, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Amy Bernards, DLSC Case No. 15 MED 081. Motion carried unanimously.

**MOTION:** Robert Zondag moved, seconded by Michael Carton, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jennifer Nale, DLSC Case No. 15 MED 081. Motion carried unanimously.

*15 MED 385 – Michael Umland*

**MOTION:** Suresh Misra moved, seconded by Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael Umland, DLSC Case No. 15 MED 385. Motion carried unanimously.

### Case Closings

#### **CASE CLOSING(S)**

**MOTION:** Mary Jo Capodice moved, seconded by Suresh Misra, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 14 MED 205 (A.J.) **Prosecutorial Discretion (P3)**
2. 15 MED 231 (P.A.N.) **No Violation**

Motion carried unanimously.

*15 MED 069*

**MOTION:** Rodney Erickson moved, seconded by Timothy Westlake, to close DLSC Case No. 15 MED 069 against G.M.H. for ***Insufficient Evidence***. Motion carried unanimously.

*15 MED 469*

**MOTION:** Timothy Westlake moved, seconded by Lee Ann Lau, to close DLSC Case No. 15 MED 469 against R.G.D. for ***No Violation***. Motion carried unanimously.

#### **PROPOSED FINAL DECISIONS AND ORDERS**

### In the Matter of Disciplinary Proceedings Against Barry S. Barudin, M.D.

**MOTION:** Michael Carton moved, seconded by Timothy Westlake, to adopt the Proposed Final Decision and Order in the matter of disciplinary proceedings against Barry S. Barudin, M.D., Respondent, DHA Case No. SPS-16-0042/DLSC Case No. 15 MED 420. Motion carried unanimously.

### **DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES**

**MOTION:** Mary Jo Capodice moved, seconded by Suresh Misra, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Lee Ann Lau moved, seconded by Michael Carton, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:25 a.m.